

**COMPLAINT INVESTIGATION SUMMARY**

<b>COMPLAINT NUMBER:</b>	<b>1560.00</b>
<b>COMPLAINT INVESTIGATOR:</b>	<b>Brian Simkins</b>
<b>DATE OF COMPLAINT:</b>	<b>April 25, 2000</b>
<b>DATE OF REPORT:</b>	<b>May 25, 2000</b>
<b>REQUEST FOR RECONSIDERATION:</b>	<b>no</b>
<b>DATE OF CLOSURE:</b>	<b>September 1, 2000</b>

**COMPLAINT ISSUES:**

Whether the Peru Community Schools and the Wabash-Miami Programs for Exceptional Children violated:

511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to provide accommodations or modifications for the student's visual impairment.

511 IAC 7-3-50 with regard to the school's alleged failure to ensure that the student's teacher of record monitored the implementation of the student's IEP and served as a consultant to the student's classroom teacher.

**FINDINGS OF FACT:**

1. The Student is six years old and attends a local elementary school (the "school"). He is eligible for special education and related services as a student with a visual impairment.
2. The Student's IEP indicates that, as a recommendation for Least Restrictive Environment, individualized instruction be provided by a teacher for the visually impaired at least one time per week for thirty minutes in the general education classroom.
3. The Student's IEP also indicates that, as modifications, instruction is to include the use of large print materials, enlarged computer fonts, and enlarged type on handouts/tests.
4. The Student's IEP further indicates that the teacher for the visually impaired, as the teacher of record, is to monitor the implementation of the IEP weekly through the use of phone contacts, progress sheets, and consultation with personnel working with the student.
5. The Special Education Coordinator assigned to the school did not obtain large print materials for the Student. The school principal, without the assistance of the Special Education Coordinator, submitted a textbook request for large print materials March 22, 2000.
6. On March 29, 2000 it was discovered that the Student had not been listed on the teacher of record class list as of December 1, 1999 nor included on the December 1 Child Count. In addition, no student file existed at the local special education district office as of March 29, 2000. The local special education director acknowledges that this lack of data has interfered with the degree of involvement by the teacher for the visually impaired.

7. Documentation shows that a teacher of record did attend case conference committee meetings on August 24 and September 14, 1999 and observed the Student on September 14, 1999. However, there is no supporting documentation to indicate regular monitoring of student progress or communication with other staff in accordance with the Student's IEP. The teacher of record also did not provide thirty minutes of instruction per week.

**CONCLUSIONS:**

1. Findings of Fact #2, #3, and #5 indicate that the Student's IEP specifically requires certain modifications for his visual impairment. Documentation shows that the Student went most of the school-year without the necessary large print materials requested in the IEP. A violation of 511 IAC 7-12-1 is found.
2. Findings of Fact #3, #4, #6, and #7 indicate that the Student's IEP specifically requires a teacher for the visually impaired who, as the teacher of record, is responsible for providing instruction, monitoring the IEP, and consulting with other personnel. Documentation shows that there was little involvement in the Student's education by the designated teacher of record. A violation of 511 IAC 7-3-50 is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

1. Provide in-service training to all teachers of record to ensure they are aware of their multiple responsibilities as required by the revised Article 7 (511 IAC 7-17-72). Specifically, to developing policy and procedures for ensuring that accommodations and modifications specifically required by IEPs are provided in a timely and organized fashion. Copies of attendance, meeting notes, and the procedures must be sent to the Division by June 23, 2000 along with an assurance statement that large print materials have been ordered for the Student.
2. Provide in-service training to the teacher for the visually impaired on the requirement of monitoring the progress of IEPs and consulting regularly with all personnel involved with the Student's education. This training will take place by June 16, 2000 with copies of attendance, an agenda, and handouts/materials provided to the Division by June 23, 2000.
3. Reconvene a Case Conference Committee ("CCC") to discuss a plan to provide compensatory services for the Student. Notify the parent in writing of the CCC and its purpose prior to the meeting. A summary of the CCC meeting held and the nature of compensatory services determined shall be submitted to the Division by June 23, 2000.
4. Send to the Division an assurance statement indicating that the Student has a file on record at the local special education district office, is listed on the teacher of record class list, and will be included in the Child Count. This assurance statement shall be submitted to the Division by June 23, 2000.

DATE REPORT COMPLETED: May 25, 2000

